

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-094087

10/12/2011

JUDGE PRO TEM LARRY J. COHEN
FOR COMMISSIONER ALYSSON H. ABE

CLERK OF THE COURT
L. Hart
Deputy

IV-D ATLAS NO. 001055552201
STATE OF ARIZONA, EX REL, DES
DORIS C WILLIAMS

DORIS C WILLIAMS
PO BOX 2755
CHANDLER AZ 85244

AND

HENRY THOMAS WILLIAMS JR.

HENRY THOMAS WILLIAMS JR.
1050 E RAY RD 115
CHANDLER AZ 85225

AG-CHILD SUPPORT-EAST VALLEY
OFFICE
COMM. MCGUIRE
FAMILY COURT SERVICES-CCC
DOCKET-FAMILY COURT-SE

IV-D MODIFICATION OF CHILD SUPPORT
ACCOUNTABILITY COURT HEARING SET

Courtroom: 304 SEF

3:34 p.m. This is the time set for Enforcement Hearing/Hearing on Modification of Child Support arising from Mother's *Motion for Post-Decree Temporary Orders Without Notice for Modification of Child Custody/Parenting Time* filed on May 12, 2011. The Petitioner/Mother, Doris Williams (hereinafter referred to as "Mother"), is present on her own behalf. The Respondent/Father, Henry Williams (hereinafter referred to as "Father"), is present on his own behalf. The State is represented by Assistant Attorney General, Jennifer Mihalovich.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

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Prior to commencement of proceedings, Doris Williams and Henry Williams are sworn.

LET THE RECORD REFLECT that the parties met informally with the Attorney General's Office prior to the commencement of today's hearing.

Counsel for the State advises the Court that the issue of child support was referred to this Court by Judge Cohen on May 26, 2011. The issues of child custody and parenting time have been resolved.

Counsel for the State advises the Court that Father's child support arrears total \$8,535.24 (\$6,861.39 in principle and \$1,673.85 in interest) for the time period from January 1, 2008 through August 31, 2011. The Court is also advised that Father has made only sporadic or partial child support payments in most months. Counsel for the State requests that this matter be referred to Accountability Court. In addition, Mother requests reimbursement of medical expenses.

As to the issue of modification of child support,

Counsel for the State advises the Court that the basis for Judge Cohen's referral to this Court for modification of child support is parties' parenting time orders changed Father's parenting time from supervised visitation to unsupervised visitation. Counsel for the State also advises the Court that the prior child support order was based upon an average of two child support worksheets. The Court is further advised that although Father only works part-time, his income was attributed at \$2,000.00 per month at the last hearing. By removing the parenting time adjustment from the calculation, there is not a 15% change of circumstance warranting modification of child support.

Based upon the matters presented herein,

THE COURT FINDS that there not is a substantial or continuing change in circumstances warranting a modification of child support.

As to the issue of Mother's request for reimbursement of medical expenses,

Mother is directed to the Self-Service Center of the Maricopa County Superior Court for forms and instructions on filing a *Petition to Enforce Unreimbursed Medical Expenses*.

Self-Service Center, 201 West Javelina, Mesa, AZ. Automated telephone number: (602) 506-SELF. (Provides a variety of forms and instructions.) The parties may also obtain various forms from the Self-Service Center website at:

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<<http://www.superiorcourt.maricopa.gov/ssc/sschome.html>>

Mother testifies that pursuant to this Court's minute entry of June 8, 2011, Father did not provide his financial information to the State or to Mother prior to today's hearing, as previously ordered.

Based upon the matters presented herein,

IT IS ORDERED that pursuant to the Court's June 8, 2011 minute entry, Father is to provide all documentation referenced in that minute entry. Father is advised in open court that failure to provide this information will result in sanctions being imposed against Father.

Based upon the testimony presented herein,

IT IS ORDERED granting Judgment in favor of Mother and against Father for past child support in the principle amount of \$6,861.39 for the time period of January 1, 2008 through August 31, 2011, calculated by retroactive application of the Arizona Child Support Guidelines pursuant to A.R.S. §25-501 and/or A.R.S. §25-320. Said Judgment earns interest at the legal rate until it is paid in full.

IT IS FURTHER ORDERED granting Judgment in favor of Mother and against Father for interest in the amount of \$1,673.85 that has accrued for the time period of January 1, 2008 through August 31, 2011 on the principle Judgment entered above. This interest Judgment does not earn additional interest.

The Court finds that this matter is appropriate for referral to Accountability Court.

IT IS THEREFORE ORDERED setting this matter for **IV-D Accountability Court on February 7, 2012 at 1:30 p.m.** Respondent **must** appear in person at the hearing which will be held before:

**The Honorable Justin McGuire
Maricopa County Superior Court
Old Courthouse
125 W. Washington
Courtroom 002
Phoenix, AZ, 85003
602-372-2490**

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FAILURE OF PETITIONER/RESPONDENT (*party paying monies*) TO APPEAR AT THE ABOVE DATE AND TIME MAY RESULT IN A FINDING OF CONTEMPT AND THE ISSUANCE OF A CHILD SUPPORT ARREST WARRANT AND A JUDGMENT MAY BE ENTERED FOR ANY ADDITIONAL ARREARAGES.

Petitioner/Respondent (*party receiving monies*) is welcome, but not required, to appear at the hearing. Telephonic appearance is not permitted by either party.

Father is advised in open court of the date, time, and location of this hearing.

IT IS ORDERED that the Attorney general's Office shall provide a copy of the arrearage calculation to Accountability Court prior to the hearing set herein.

Between now and the aforementioned hearing, the Court expects the Obligor to pay the court-ordered obligation each and every month. The payment is due on the first of each month and is late at the end of each month.

IT IS ORDERED affirming Father's child support obligation of \$510.00 per month.

IT IS FURTHER ORDERED affirming Father's payment on child support arrears of \$100.00 per month.

It is the responsibility of the party obligated to pay support/maintenance to pay the support to the following:

**Support Payment Clearinghouse
P. O. Box 52107
Phoenix, Arizona 85072-2107**

Payment should show the case number and/or ATLAS case number, the name of the party paying support, and the name of the party who will receive the payment.

WARNING: If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

IT IS FURTHER ORDERED that at any time a wage assignment is not paying the full amount of the child support obligation, Father shall pay the difference between the court-ordered child support obligation and what is paid through wage assignment directly to the Support Payment Clearinghouse.

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IT IS ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

DATED this 12th day of October, 2011.

/s/ HONORABLE LARRY COHEN

LARRY COHEN
JUDGE PRO TEM OF THE SUPERIOR COURT

3:47 p.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

NOTICE: A child should not be brought to the Courthouse to be present during a Court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the Court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

**PLEASE NOTE: IMPORTANT INFORMATION RE: CD/VIDEOTAPE
FEE CURRENTLY IN EFFECT**

This Courtroom uses an electronic recording system for the record. All CDs and videotapes will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of a proceeding are available in the Self-Service Centers and in the JAVS and FTR courtrooms.

If a party wants a court reporter to record a proceeding in this Court, a written request must be filed at least seven (7) days before the commencement of the proceedings.

A person requesting a daily copy CD or videotape must complete the appropriate request form and pay the applicable fee at the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD or videotape in the customary manner.

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A person wanting a copy of a hearing from a previous occasion must contact Ken Crenshaw at 602-506-7100.